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AUG 23 2007

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of George E. Fox, )  
Richard C. Willson III and Zhengdong Zhang )  
Serial No.: 10/057,270 )  
Filed: 26 Jan 2002 )  
For: ...Methods for Determining the Genetic )  
Affinity of Microorganisms and viruses )  
Examiner Jason )  
Sims (571 272-7540. )  
Group 1631 )  
Priority: 26 Jan 2001, USSN 60/254,403 )  
Attorney Docket: 010AUS )  
USPTO Customer Number: 26830 )  
Response Due: Approximately 23 August 2007 )

Commissioner for Patents  
Box 1450 Group 1631  
Alexandria VA 22313-1450

**SUBSTITUTE AMENDMENT IN RESPONSE TO FIRST ACTION  
ON THE MERITS**

Sir:


In response to the interview kindly granted to Applicants' Attorney on August 6, 2007, and in substitution for the Amendment filed 5 September 2006, consideration of the following amendments and remarks is solicited.

The undersigned Attorney certifies that this  
Document has been filed via fax to 571-273-8300  
Central Fax of the USPTO on 23 August 2007 (37  
CFR 1.10).

Based on the Interview summarized below, Applicants' Attorney herein substitutes this response to the above Office Action mailed 5 May 2006. No additional fee is believed due as the withdrawn (nonelected) claims are cancelled so there are now presented 25 claims of which 4 are independent, and this is less than previously paid for by the Attorney's Deposit Account 200336.

**Interview**

USSN 10/057,270; Docket 010AUS of Cust. 26830

Page 1 of 28 

At the 6 August 2007 in-person interview with Applicants' Attorney, two of the inventors, Professors George Fox and Richard C. Willson III, were present by telephone. Group II elected Claims 4-10, 19 and 22-36 as submitted 19 July 2007 were discussed with Examiner Jason Sims. Independent Claim 4 was particularly discussed and differentiated from the Barns reference of record. In this response, amendments clarifying certain claims are made and the support for these amendments is set forth under Remarks. The claims are intended to all fall within the elected Group II, *determining genetic affinity of organisms or viruses in a test sample, classified in class 435, subclass 536*. That was the entire business at the interview.

Examiner Sims is particularly thanked for his courtesy and thorough knowledge of the Art. Receipt of his mailed Interview Summary is acknowledged.